

Minutes of the Special and Regular Meetings of January 10, 2006

SPECIAL MEETING

CLOSED SESSIONS – 7:00 P.M.

- A. Conference with Legal Counsel, existing litigation, Government Code Section 54956.9(a), Eckert.
- B. Conference with Legal Counsel, initiation of litigation, Government Code Section 54956.9(c): one case.
- C. Conference regarding Public Employee Appointment Pursuant to Government Code Section 54957: City Manager. (NOT HELD)

Mayor Mathewson stated that he lived within 300 feet of the property that is the subject of Closed Session Item A above (Eckert), and would be recused from this matter. He exited the Closed Session conference room.

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, City Attorney Zafferano, Interim City Manager Jack Crist, and Community Development Director de Melo. Mayor Mathewson was recused from Item A (Eckert), as noted. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:35 P.M., these Closed Sessions were adjourned.

Terri Cook

City Clerk

These meetings not tape-recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:30 P.M.

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Public Works Director Davis, Finance Director Fil, Fire Chief Lowden, Police Chief Mattei, City Clerk Cook.

AGENDA AMENDMENTS

Mayor Mathewson stated that Public Hearing Item 5-B (Appeal of the Planning Commission Decision Denying a Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design Review for Property Located at 2700 Monserat Avenue) would be continued to February 14, 2006, for additional information.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to continue the Public Hearing to Consider an Appeal of the Planning Commission Decision Denying a Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design Review for Property Located at 2700 Monserat Avenue) to February 14, 2006.

MEETING RECESS at this time, being 7:40 p.m., to hold Special Joint Powers Financing Authority, Regular Redevelopment Agency, and Special Belmont Fire Protection District Meetings.

RECONVENE: 10:40 P.M.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that there was no action taken on Closed Session Item A (existing litigation, Eckert), and noted that the accompanying Public Hearing (Council Agenda Item 5-A) would not be heard this evening as a result of direction at the Closed Session. He stated Closed Session Item B (initiation of litigation) would be continued to the next meeting, and Item C (City Manager Recruitment) was not held.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Judy King, Fifth Avenue, requested information on the status of the yellow caution tape that is still in place at the downtown Safeway store. She asked why the Sunburst sculpture is still

located at the corporation yard and has not been reinstalled at the train station. She also asked why the train station plaza landscaping has not been maintained or completed.

Mayor Mathewson requested that staff contact Ms. King regarding these issues.

Rob Simmons, El Camino Real, stated he is a medical marijuana patient, and that there is a lack of compassion in San Mateo County regarding patient ID cards. He has been harassed by the Belmont Police Department for years, and has been sent to jail. He lost his real estate license. He is a voter and attends church. Patients and caregivers are not always able to travel to obtain medical marijuana, and he can provide it for them at a lower cost. He has been evicted from his apartment because of this issue.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Mathewson stated that the deadline for application for Commission seats (Planning, Parks and

Recreation, and Finance) is January 27, 2006. He also announced upcoming Martin Luther King Holiday

activities, and that additional information is available at the City Clerk's office.

ADDITIONAL AGENDA AMENDMENTS

Mayor Mathewson stated that Item 4-K (Resolution Authorizing Issuance of Series 2006 Sewer Revenue Bonds) would be removed from the agenda, as no action was taken on a related matter at the special Joint Powers Financing Authority meeting held while this meeting was in recess. He noted the matter has been continued to the meeting of January 24, 2006.

Councilmember Warden requested the removal of Item 4-H (Resolution Amending Purchasing Authority) for separate consideration.

Councilmember Dickenson requested the removal of Item 4-J (Resolution Approving the Purchase and Installation of a Mini Sort Branch Sorting System for the Belmont Library by FKI Logistex in the Amount of \$161,500) for separate consideration.

CONSENT CALENDAR

Councilmember Feierbach expressed her appreciation to the Public Works Department for bringing Item 4-E (Resolution Approving a Four-Way Stop at the Intersection of Broadway and Sunnyslope Avenue). She stated that many neighbors expressed their support of this item.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Regular Meeting of November 22, 2005.

Acceptance of Written Communications:1) Received November 21, 2005, Application of Cabute and Saterfield, DBA Mountain View Limousine and Airport Shuttle Service filed with the California Public Utilities Commission; 2) Received November 21, 2005, Notice of Filing of PG&E 2005 Nuclear Decommissioning Cost Triennial Proceeding; 3) Received December 12, 2005, Notice of PG&E's 2007 General Rate Case Application Filing; 4) Received December 22, 2005, Notice of PG&E's Pension Contribution Application.

Approval of Resolution 9735 Approving a Permanent Encroachment Agreement for Replacement of a Retaining Wall within the Public Right-of-Way at 2216 Coronet Boulevard (APN 044-042-070)

Approval of Resolution 9736 Approving Establishment of a No Parking Zone on Sixth Avenue Adjacent to the North Side of the Police Department Driveway

Approval of Resolution 9737 Approving a Four-Way Stop at the Intersection of Broadway and Sunnyslope Avenue

Approval of Resolution 9738 Approving Establishment of a No Parking Zone at the Corners of Ruth Avenue/North Road and North Road/Irene Court

Approval of Resolution 9739 Approving Establishment of a 30-Minute Parking Zone on the North Side of Emmett Avenue at El Camino

Approval of Resolution 9740 Adopting a Bicycle Transportation Plan to Incorporate the San Mateo County Comprehensive Bicycle Route Plan and to Comply with Section 891.2 of the Streets and Highway Code.

ITEM REMOVED FROM CONSENT CALENDAR

Resolution Authorizing Issuance of Series 2006 Sewer Revenue Bonds (to be continued to January 24, 2006).

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Amending Purchasing Authority

Finance Director Fil outlined the history regarding the current ordinance governing purchasing, and noted that the proposal was to reduce the purchasing authority level to \$25,000 and \$50,000 respectively for Levels 1 and 2 Open Market purchases.

Councilmember Warden stated that the proposed purchasing levels may be efficient, but public oversight is a necessity. He noted that based on a 12-month purchasing history, even had purchasing levels been set at the proposed lower levels, only three additional items would have required Council review. If the intent is to raise the bar, the levels should be reduced. He recommended lowering the limits to \$10,000 and \$25,000 respectively for Levels 1 and 2, and provide for a one-year review. If it is a burden, levels could be raised. He commented that many tasks performed by staff are an administrative burden, which is part of doing public business.

ACTION: Councilmember Warden made a motion, seconded by Councilmember Feierbach, to approve the resolution setting the purchasing level at \$10,000 for Level 1 Open Market purchases and \$25,000 for Level 2 Open Market Purchases.

Councilmember Feierbach stated that South Bayside Systems Authority purchasing level is set at \$10,000, and she supports the motion as proposed. She also noted that only a simple staff report would be necessary for items presented for approval under these purchasing levels. She expressed concern regarding line item descriptions in the warrant register.

Councilmember Warden stated that the goal is to keep Council informed, and that Council should be reviewing consultant proposals in the \$30,000 range. He noted that the survey cities with higher purchasing authorities are larger cities.

Councilmember Lieberman stated this issue is a balance of policy makers and implementers of policy. He does not wish to place an administrative burden, and this is an issue of time but not trust. He recommended consideration of levels of \$15,000 and \$35,000.

ACTION: On the original motion, Resolution 9741 Amending Purchasing Authority, as amended, was unanimously approved by a show of hands.

Resolution Approving the Purchase and Installation of a Mini Sort Branch Sorting System for the Belmont Library by FKI Logistex in the Amount of \$161,500.

In response to Councilmember Dickenson, Finance Director Fil outlined the breakdown of costs for this equipment. He noted that the costs include installation, testing, and staff training. He clarified that the

recent batch of change orders, to be included in the next library monthly report to Council, will essentially exhaust the contingency for this project.

Vickey Johnson, County Library Director, stated that sortation machines are used primarily in commercial industry, and is installed only one other library, located in Washington State. She noted it is new and innovative, and Belmont would be one of the first in California to implement its use. She described details of the equipment's function. She commented that a fifty percent increase in circulation is expected when the new library opens, and the use of this equipment will free up staff time so they can work with people. She thanked the Friends of the Belmont Library for earmarking some of its fundraising moneys to pay for this equipment.

Councilmember Lieberman congratulated the Friends for earmarking funds for this purpose, and congratulated staff for looking outside of the industry for innovative solutions.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 9742 Approving the Purchase and Installation of a Mini Sort Branch Sorting System for the Belmont Library by FKI Logistex in the Amount of \$161,500 was unanimously approved by a show of hands.

HEARINGS

Public Hearing to consider a Variance to allow a proposed deck extension into the required 15-foot rear yard for the single family dwelling located at 1814 Oak Knoll Drive. (Appl. No. 01-0356, as Revised) – *not held*

Public Hearing to Consider an Appeal of the Planning Commission Decision Denying a Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design Review for Property Located at 2700 Monserat Avenue (continued from November 9, 2005).

Mayor Mathewson stated that this Hearing would be continued to February 14, 2006.

NEW BUSINESS

Discussion and direction regarding revisions to Municipal Code Chapter 2, Article VII governing Finance Commission

City Attorney Zafferano stated that this issue arose as a result of Council's "Item 9" process, and this is an opportunity to provide direction for a future amendment to the ordinance governing the Finance Commission. He reviewed the issues to be addressed, including the appointment process. He noted that the Finance Commission currently recommends applicants to the Council for appointment.

Bob Ledoux, Finance Commission Chair, recommended that the City Council leave the ordinance as it currently exists. The Finance Commission is an advisory body, and is made up of individuals with financial backgrounds, and the key component is its independence. Belmont is unique, and this process has worked well. The audit function of the Commission requires full independence. The City and the Finance Department are well run. Financials need to be probed and tested often.

Howard Mason, Debbie Lane, former Treasurer, expressed his support for the ordinance, as it currently exists, as it has served the City well. He noted that Belmont has received clean opinion financial statements for years, and has a superior Finance Department. Belmont's credit and ratings are good because of the work of the Finance Commission. Independence is important.

Jim Scheinman, Mezes Avenue (via email through the City Clerk, paraphrased herein), stated that the current system is not broken and does not need to be fixed. The Finance Commission is an independent body that provides checks and balances. He cited recent issues in the City of San Jose and with a federal lobbyist as reasons to keep the current system as it is in Belmont.

Councilmember Feierbach noted that a quorum of Finance Commissioners did not attend last year's joint meeting with the City Council. She has attended many Finance Commission meetings, which recently have become antagonistic. Commissioners are disrespectful, and some members are not responsive. She noted that the Council respects the Finance Commission members, but she does not think that respect is always reciprocated. The current interview process for Finance Commission is contrary to the public process, and the Council should interview candidates. Potential members have

been criticized for expressing differing viewpoints. Meetings should be recorded. She noted that the Commission held its first meeting in the Council Chambers, and she congratulated Chair Ledoux for a well-run meeting in the new room.

Councilmember Warden stated that the Finance Commission is a self-appointed body who seek like-minded members. The Commission was against the City Hall project, and no Commissioners supported Measure F on the November Ballot, nor have they supported San Juan Canyon bonds in the past. Only one small consideration of the City Hall project was financial, which has turned out to be a successful project. Commissioners have made unkind comments of City Council. Council has ultimate authority over applicants it does not wish to appoint from Commission recommendation, which is not much different from deciding who it does wish to appoint. The Finance Commission has gotten involved in politics. The lack of a quorum at the joint meeting was personally insulting, and no apology or other communication regarding Commission absence was offered. He noted that potential members are advised that they should not apply for the Finance Commission if they plan to run for City Council, but former Finance Commissioner Warren Lieberman has now been elected to Council. There is a deteriorating relationship between the Commission and the City Council. The current system is broken and needs to be fixed. He reviewed a list of issues he has regarding the Finance Commission, some of which have been addressed and some have not.

Councilmember Lieberman stated that he served on the Finance Commission for five years, three of them as the Chair, and he should take personal responsibility for some of the issues that had not been addressed. The Finance Commission is different from other commissions in that it has a fiduciary responsibility. The independent auditor reports to the Commission, not to staff. He requested that Mr. Biggs from Maze and Associates comment regarding this issue.

Cory Biggs, Maze and Associates, stated that the more independent a Commission is, the better off the City will be financially. He stated that other cities utilize a subcommittee or other structure regarding its audit. He commented that checks and balances are helpful.

In response to Mayor Mathewson, Mr. Biggs stated that he is aware of only one situation where a city's ability to bond was affected by the lack of an independent finance commission or committee.

Councilmember Lieberman stated that Belmont is fortunate to have an independent commission. He recommended that Council consider meeting with the Finance Commission to discuss this issue.

Recruitment is difficult, and that the motivation of some applicants in the past was political, and in those cases, the Commission did not recommend the applicant for appointment. The Finance Commission has attempted to stay out of politics. He does not wish to see the City Council make decisions that are not in the best interest of the City. Belmont has good bond ratings. His decision to run for City Council had nothing to do with his role as a Finance Commissioner, that others encouraged him to do so.

Councilmember Dickenson stated that he has attended many Finance Commission meetings. There is a political difference between the Finance Commission and the City Council. An independent audit is needed. He commented that there is a need to hone in on the inefficiencies of the process by which the Commission functions. He supports having the Commission meetings held in the Chambers and to record meetings.

Councilmember Feierbach stated that under the current process, the City Council ultimately votes on Commission appointments, and questioned whether this already compromises independence. Interim City Manager Crist responded that this process does not affect independence. The Finance Commission should be accountable to the City Council. If there is a financial problem, the Council is held accountable. He suggested forming a subcommittee of Council to address the audit issue.

Councilmember Feierbach expressed support for a change of process so that the City Council interviews candidates, and also supports reducing the number of Commissioners to seven.

Councilmember Warden stated that independence may be desirable, but is problematic. He is not comfortable with the organizational structure of the Commission and never has been. He added that he has never seen some members of the Commission. There is value in the candidate interview process by the City Council.

Councilmember Lieberman stated that the Finance Commission provides a good sounding board to finance staff. It does not take any action on issues not directed by the City Council. He recommended that the Council consider a process whereby the Finance Commission makes a recommendation for appointment, and then the Council would interview the applicant.

Councilmember Warden responded that Council has never been offered a choice, and it has never said no. It needs multiple applicants from which to choose.

Councilmember Lieberman concurred that having multiple applicants is desirable. He noted that the Commission has often had several applicants, but some were eliminated before a final recommendation to Council. The Finance Commission is cautious regarding its recommendation process.

MEETING EXTENSION: At this time, being midnight, on a motion by Councilmember Warden, seconded by Councilmember Dickenson, the meeting was unanimously extended thirty minutes by a show of hands.

Councilmember Dickenson expressed his support in reducing the size of the Commission to seven members, since there are currently two vacancies. He noted that the current ordinances governing all Commissions states that if a Commissioner misses three meetings, the position can be deemed vacant. He reviewed the list of duties of the Commission as outlined in the ordinance.

Mayor Mathewson stated that there have never been multiple Finance Commission candidates for Council to consider. Since is often a lack of applicants, he supports reducing the number of Commissioners. He also supports having the meetings recorded. He stated he was once a Commission applicant who was advised by the then-City Treasurer and a Commissioner that he should not apply if he intends to run for City Council, and others were told the same thing. At the time, he criticized the Budget but was advised he should not make waves. He expressed support for a subcommittee or 2+2 process for the audit function. The Council needs to interview candidates.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Warden, to direct the City Clerk to recruit for Finance Commissioners, to reduce the number of Commissioners from nine to seven, to have City Council interview candidates without recommendation from the Finance Commission, to direct the Commission to meet in Council Chambers and record meetings, and to review this issue in one year's time.

City Clerk Cook clarified that applicants for Finance Commission have always been recruited through the process used for other Commissions.

Councilmember Warden stated that the duties of the Finance Commission are outlined in the existing Ordinance, and that the Commission should not deviate from the list, and should not brainstorm ideas

on their own without direction. It needs more discipline. He concurred that the meetings should be recorded, and that the Council should interview candidates.

Councilmember Feierbach stated she has no issue with the Commission's desire to explore ideas.

Councilmember Dickenson stated that it is important that applicants attend meetings prior to consideration for appointment, and he supports leaving the recommendation process in place.

ACTION: Councilmember Dickenson offered a friendly amendment to the primary motion to keep the Commission recommendation process in place. This amendment was not accepted by Councilmember Feierbach.

Councilmember Lieberman stated there is a risk of mass resignation by the current Commissioners should these changes be implemented.

Councilmember Warden asked those Commissioners who were present in the audience if they would resign should these changes be implemented.

Dary Sepah-Mansour, Finance Commissioner, stated that he would resign. He has no political agenda, and the Finance Commission is independent. He noted there is a lack of applicants, and candidates need a financial background. He noted that Commissioners communicate with the Finance Director if he or she is going to be absent, and his business travel sometimes causes him to miss meetings. He stated that it is beneficial for the Commission to challenge issues and operations.

Bob Ledoux, Finance Commission Chair, stated that the commitment is explained to potential candidates, that the Commission recommends only qualified applicants to the City Council for appointment, and excludes marginal candidates.

ACTION: On the original motion made by Councilmember Feierbach and seconded by Councilmember Warden (to direct the City Clerk to recruit for Finance Commissioners, to reduce the number of Commissioners from nine to seven, to have City Council interview candidates without recommendation

from the Finance Commission, to direct the Commission to meet in Council Chambers and record meetings, and to review this issue in one year's time), was approved by a vote of 3-2 (Dickenson/Lieberman, no).

Discussion and Direction regarding Animal Control Ordinance

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to continue this item to January 24, 2006.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Discussion regarding PG&E power outages during December storms (verbal report)

Kathy Lavezzo, PG&E Representative, reviewed causes of service interruptions, and noted that all are investigated. She reviewed the priority used for restoration of power. She outlined issues involved in the City of Belmont's December power outages. She reviewed storm preparedness activities and upcoming projects, and encouraged customers to become prepared for emergencies. She outlined programs to assist customers with high heating bills, including the "10/20" savings, and balanced payment plan.

In response to Council questions, Ms. Lavezzo clarified that PG&E staff visually inspects every tree in proximity to power lines. She also responded that she would keep Council informed of the status of the Old County Road undergrounding project.

Council expressed appreciation for the information and update provided by Ms. Lavezzo, especially in light of the late hour.

MEETING EXTENSION: At this time, being 12:30 a.m., on a motion by Councilmember Warden, seconded by Councilmember Dickenson, the meeting was unanimously extended by thirty minutes by a show of hands.

Council Intergovernmental Assignments for 2006

Councilmembers discussed and made changes to the Intergovernmental Assignments for 2006 (listed below). Mayor Mathewson noted that a Councilmember was requested for the "Twin Pines Fence Replacement Committee", and concurred to add Councilmember Dickenson to this ad hoc group.

Liaison to Finance Commission Delegate Vice Mayor, Alternate Dickenson

School Liaison 2+2 meeting: Delegates Warden and Lieberman

Harbor Industrial Area Liaison Representatives Dickenson and Lieberman

Liaison Senior Citizen Advisory Committee Delegate Feierbach; Alternate Warden

Notre Dame de Namur University Advisory Board Representative Mayor; Alternate Vice Mayor

San Juan Canyon Subcommittee: Representative Feierbach, Representative Mathewson

Economic Development Subcommittee: Representatives Warden and Mathewson

City/County Association of Governments Boards (C/CAG) Delegate Mathewson; Alternate Dickenson

South Bayside System Authority Delegate Feierbach; Alternate Mathewson

South County Fire Authority Delegate Feierbach; Delegate Warden

Peninsula Traffic Congestion Relief Alliance Delegate Mathewson; Alternate Dickenson

San Mateo County Mosquito Abatement District Citizen Representative Robert Blake (through 12/31/06)

San Mateo County Library JPA Delegate Warden; Alternate Lieberman

SFO Roundtable Representative Delegate Dickenson; Alternate Feierbach

San Mateo Operational Civil Defense & Disaster Council (OES) Delegate Warden, Alternate Dickenson

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of a letter to request that future Progress Seminars be held in San Mateo County

(Warden)

Councilmember Warden stated that although it was good to get away for conferences, this seminar should be held in San Mateo County so the revenue generated could be captured locally.

Council concurred to have the Mayor write a letter regarding this issue.

Consideration of modifying the staff report format to add a line that explains how the report would impact the general plan or vision statement (Dickenson)

Councilmember Dickenson recommended that staff reports include information outlining what affect, if any, the issue would have on the General Plan, or Visioning. He noted that the County Board of Supervisors uses a similar format on their staff reports.

Council concurred to agendize this for future consideration.

Discussion to consider drafting a letter to Assembly members and Senators to lobby for an amendment to Senate Bill 1038 to include granting the city a credit for generating renewable energy (Dickenson).

Councilmember Dickenson stated that under existing Public Utilities Commission rules, the City of Davis is the only agency currently permitted to get credit for solar energy generated in excess of what they use, and SB 1038 would expand this allowance to other cities. He noted that this would be helpful for cities, Belmont included, as they implement options for renewable energy sources.

Council concurred to have the Mayor write a letter in support of this amendment to SB 1038.

ADJOURNMENT at this time, being 12:58 a.m.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 624
Minutes approved 02/14/02006